

## AMENDMENTS TO THE SPECIFICATION:

Please add the following *new* paragraph on page 1, between lines 2 and 3:

### CROSS-REFERENCE TO RELATED APPLICATIONS

This U.S. National stage application claims priority under 35 U.S.C. §119(a) to Japanese Patent Application No. 2004-106588, filed in Japan on March 31, 2004, the entire contents of which are hereby incorporated herein by reference.

Please replace the paragraph beginning at page 1, line 7 with the following rewritten version:

【0002】 Conventionally, fuel cells provided with a heat recovery path around a cell module to recover heat loss from the cell module have been proposed, the cell module including a cell stack that generates electricity from a fuel gas and an oxygen-containing gas, and a burning section that contacts and burns the remaining fuel gas and oxygen-containing gas from the cell stack (see ~~a patent document 1~~, and ~~a patent document 2~~ Japanese Patent Application Laid-Open Nos. 2003-151610 and 2003-249256).

Please replace the paragraph beginning at page 1, line 13 with the following rewritten version:

【0003】 In a solid electrolyte type fuel cell described in the ~~patent document 1~~ Japanese Patent Application Laid-Open No. 2003-151610, a fluid flow path is formed between a high-temperature heat insulating material and a low-temperature heat insulating material that surround a fuel cell stack and through this fluid flow path, air is supplied to an air inlet of the fuel cell stack while fuel from a fuel supply source is supplied to a fuel inlet of the fuel cell stack after being preheated by a preheater.

Please replace the paragraph beginning at page 1, line 19 with the following rewritten version:

【0004】 In a fuel cell described in the ~~patent document 2~~ Japanese Patent Application Laid-Open No. 2003-249256, a cell stack including a plurality of cells of fuel cell is housed inside a housing container that has a pipe between a frame body and a heat insulating material, and a fuel gas is supplied through a fuel gas supply pipe while an oxygen-containing gas is supplied through an oxygen-containing gas pipe and the said pipe.

Please remove the paragraph at page 1, line 24 as follows:

~~Patent Document 1: Japanese Patent Application Laid-Open No. 2003-151610~~  
~~Patent Document 2: Japanese Patent Application Laid-Open No. 2003-249256~~

Please replace the paragraph beginning at page 2, line 9 with the following rewritten version:

【0006】 A technique is also known of providing a heat insulating layer around a cell module with an air path, and recovering heat loss from the cell module with air flowing through the air path, for improving efficiency of the cell module (see ~~the patent document 1, and the patent document 2~~ Japanese Patent Application Laid-Open Nos. 2003-151610 and 2003-249256). In the structures of ~~the patent document 1 and patent document 2~~ Japanese Patent Application Laid-Open Nos. 2003-151610 and 2003-249256 where all air to be supplied to the cell stack flows through the air path, however, it is necessary to increase the cross-sectional area of the air flow path in order to supply air with low power, and further to increase the thickness of the heat insulating layer between the air flow path for heat recovery and the cell module to some degree because the cell module might be cooled too much due to an excessive air flow rate, resulting in an increase in thickness of the heat insulating layer including the air path for heat recovery as well.

Please replace the paragraph beginning at page 4, line 16 with the following rewritten version:

【0015】 A solid electrolyte type fuel cell according to another ~~invention~~ embodiment includes a solid electrolyte type fuel cell including a heat recovery path that recovers heat loss from a cell module around the cell module including a cell stack that generates electricity from a fuel gas and an oxygen-containing gas, and a burning section that contacts and burns remaining fuel gas and oxygen-containing gas from the cell stack, and includes a first flow path that leads the oxygen-containing gas to the cell stack, and a second flow path that leads the oxygen-containing gas to the heat recovery path.

Please remove the heading and the paragraph at page 6, line 5, as follows:

~~Explanation of Referenced Numerals~~

- ~~—【0019】 1 fuel cell stack~~
- ~~—— 3 heat insulating material~~
- ~~—— 10 heat exchanger~~
- ~~—— 11 heat recovery path~~
- ~~—— 12 branch flow rate regulating part~~

Please replace the heading at page 6, line 11, with the following rewritten version:

~~BEST MODES FOR CARRYING OUT~~ DETAILED DESCRIPTION OF THE  
INVENTION

Please add the following new heading at page 11, between line 1 and 2:

WHAT IS CLAIMED IS: